



STATE OF THE JUDICIARY

2018



CHIEF JUSTICE MARY FAIRHURST
Washington Supreme Court

THE STATE OF THE JUDICIARY

Greetings Governor Inslee, members of the State Legislature, judicial officers, elected officials and residents of Washington and thank you for reading this 2018 report on the status and the work of Washington's judicial branch.

It is a tradition that this report is delivered each year by the Chief Justice of the Supreme Court to the lawmakers and people of our state so they may gauge the health of the judicial branch, a key component of our justice system. I am very pleased and proud to report that Washington's judicial branch is strong, managing millions of cases each year. Additionally, a great many judges, branch members and justice partners devote significant time and energy to work on key areas of concern that need to be addressed to improve the delivery of justice to Washington's people.

Maintaining a vibrant and innovative justice system takes the commitment, caring and foresight of many people working together. We are very lucky in Washington to have many dedicated people to work on many improvement efforts.

You can read about new focus areas, the challenges facing the judicial system and the status of ongoing efforts in more depth within this report, but I'd like to touch here on some highlights of the past year.

Some major new efforts in 2017 included:

- The launch in June of the Pretrial Reform Task Force, which will make recommendations for expanding pretrial release of accused persons, many of whom remain in jail awaiting trial due to lack of bail money rather than their assessed danger to the community. The Task Force was launched at the urging of the state Superior Court Judges' Association (SCJA), the District and Municipal Court Judges' Association (DMCJA), and the Minority and Justice Commission. You can find more details on Page 15.
- The launch in November by the Board for Judicial Administration (BJA) of an Interpreter Funding Task Force, a critical initiative in response to a more than 50 percent increase since 2000 in Washington residents with limited English proficiency. It is essential that we provide accurate,



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Mary Fairhurst

MARY FAIRHURST

sufficient interpretation in our courts to ensure a fair justice system. You can find more details on Page 16, along with details of a second BJA task force dedicated to stable funding of judicial education.

- The launch of the Legal Financial Obligations (LFOs) Stakeholder Consortium, with more than 50 members from different sectors across the state and chaired by Justice Mary Yu, which will examine Washington court practices around the collection of fines and fees otherwise known as LFOs. The Consortium's goal is to seek out strategies for collection of LFOs that support, rather than undermine, accountability and rehabilitation for those who struggle to afford court fines and fees. See Page 21 for more information.
- The Supreme Court's establishment in July of the GR37 Workgroup on jury demographics, which brings together judges, attorneys and other justice partners to explore a possible court rule meant to further protect the empanelment of juries from intentional or unintentional bias. This is an outgrowth of both an opinion by the Court in the *State v. Saintcalle* case, and of the Minority and Justice Commission's jury demographic forum presented in May. You can find more details on Page 11.

Last year we made significant progress on previous initiatives and ongoing projects, such as:

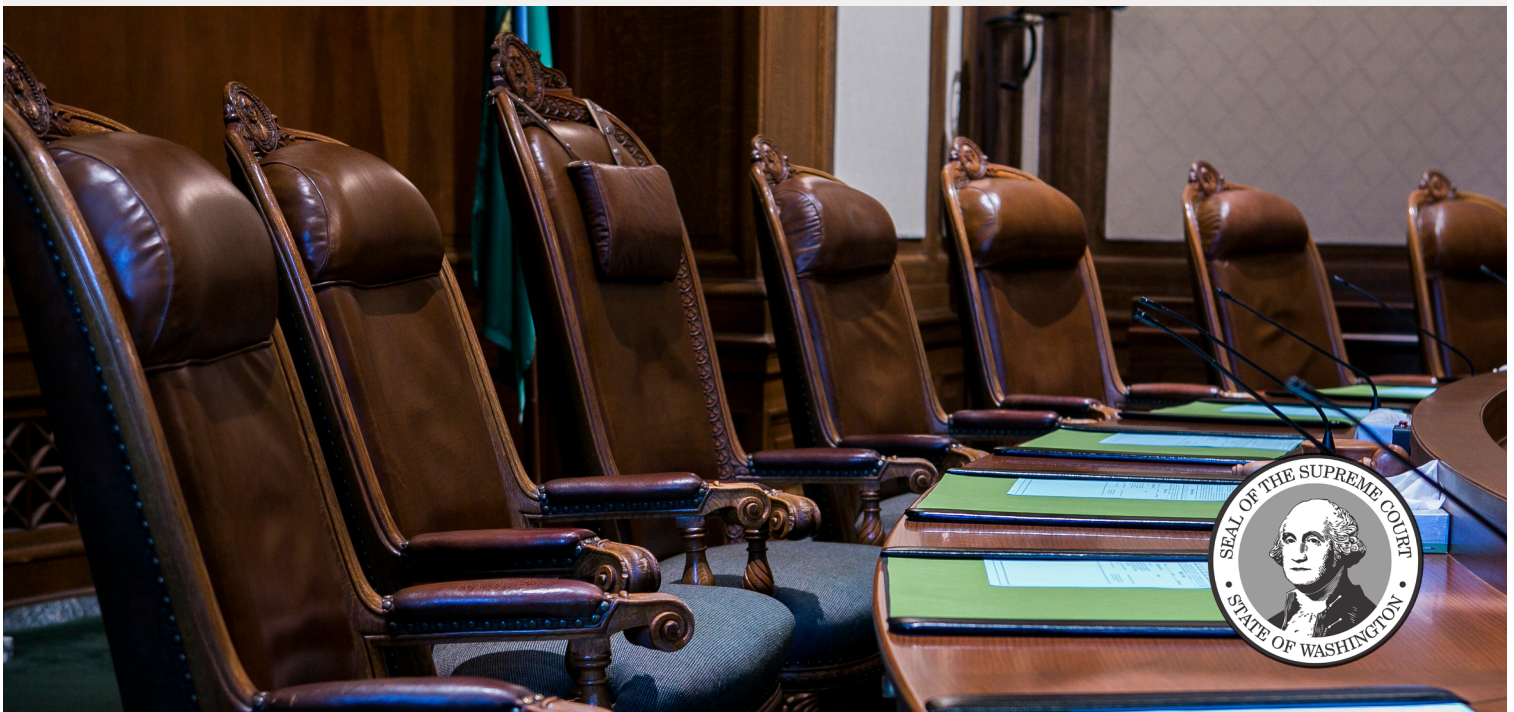
- The Civic Learning Initiative that seeks to increase opportunities for Washington students to learn about their government, both in schoolrooms and in community programs. Spearheaded by the Council on Public Legal Education, it has already produced some exciting results. See Page 6.
- A comprehensive new study of gender bias in the courts,

taking a fresh look at bias and new gender and justice issues for these times, more than 30 years after Washington released its groundbreaking study on gender bias. See Page 12.

- The continued growth of Washington's unique Limited License Legal Technician Program, offering a new option for legal help for those with less-complex legal needs. See Page 20.
- Implementation of and planning for modern case management and information systems throughout Washington courts. See Page 23.
- Data collection and improvement initiatives of the Supreme Court Commissions, BJA, SCJA and DMCJA, as well as other judicial branch agencies. See information throughout this report and Page 26 for a list of links to the important work of these entities.

Significant challenges face Washington's judicial branch including responding to the national opioid crisis, which brings many more addicted persons to the courts for actions related to addiction; improving court security in a large number of courthouses throughout the state (See Page 17 for details on the SCJA survey examining court security shortcomings); and continuing to use new technology in our courts and branch so that we can work with efficiency, improve access to justice and increase safety.

Behind all of these efforts is the daily work of court staff members, judicial officers and judicial branch personnel across the state. I am proud to bring you this report highlighting just some of our work. I am also proud to serve in a branch with a dedicated group of people willing to work hard, work creatively and work together to maintain a quality justice system for the people of Washington.





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Visit www.courts.wa.gov/stateofthejudiciary to read the online version of this report.

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Civic Learning Initiative Gathers Significant Momentum in 2017

An ambitious Civic Learning Initiative launched in 2017 by state judicial leaders, educators and lawmakers, along with national support, made significant progress over the year toward raising awareness and establishing new resources for increased civic education for Washington youth.

From January 2017 to January 2018, members and supporters of the Initiative:

- Hosted two summits bringing together state, community and national leaders to explore the importance of and gaps in civic learning opportunities for Washington youth. The first summit in January 2017 in Olympia featured Washington Supreme Court Chief Justice Mary Fairhurst, Governor Jay Inslee, Secretary of State Kim Wyman, Superintendent of Public Instruction Chris Reykdal, Attorney General Bob Ferguson and many other judges, educators and lawmakers. The second summit in January 2018 in Seattle featured students, teachers, Initiative leaders, state and federal judges, lawmakers, community leaders and hundreds of participants.
- Launched iCivicsWA, an interactive website for Washington students and teachers that includes civics games and

teaching resources available to all. (See box, next page)

- Developed two community partnerships dedicated to increased civic learning in Sunnyside, near Yakima, and the Franklin Pierce School District near Tacoma.
- Proposed new legislation in 2018 to make civic learning a statewide priority aimed at improving civic learning opportunities for underserved youth, providing financial support for civic learning partnerships, and supporting professional development of educators in schools and after-school programs.

“Our government of the people depends on its people being actively and meaningfully engaged, and having the knowledge and confidence to do so,” said Chief Justice Fairhurst. “The success of our civic youth programs shows that students are eager to learn and participate, but they need more opportunities in schools and communities.”

The Civic Learning Initiative was developed by the state Council for Public Legal Education (CPLE) — part of LawforWA.org — to

CIVIC LEARNING, CONTINUED ON NEXT PAGE



OUR GOVERNMENT OF THE PEOPLE DEPENDS ON ITS PEOPLE BEING ACTIVELY AND MEANINGFULLY ENGAGED, AND HAVING THE KNOWLEDGE AND CONFIDENCE TO DO SO. THE SUCCESS OF OUR CIVIC YOUTH PROGRAMS SHOWS THAT STUDENTS ARE EAGER TO LEARN AND PARTICIPATE, BUT THEY NEED MORE OPPORTUNITIES IN SCHOOLS AND COMMUNITIES.

CHIEF JUSTICE MARY FAIRHURST
WASHINGTON SUPREME COURT

CIVIC LEARNING, CONTINUED FROM PREVIOUS PAGE

specifically address gaps in meaningful civic learning. The effort grew out of increasing concern both nationally and in Washington state over continuing research showing the majority of young people in the United States have poor knowledge of, and are disconnected from, the basics of democracy.

A recent survey conducted by the Annenberg Public Policy Center found only 36 percent of adults could name all three branches of the U.S. government; 35 percent couldn't name even one; 21 percent wrongly thought that a 5-4 Supreme Court decision must be returned to Congress for reconsideration. From 1964 to 2012, the percentage of Americans who believed government is "run for the benefit of the people" decreased from 64 percent to 19 percent.

Retired U.S. Supreme Court Justice Sandra Day O'Connor founded iCivics in 2009 as part of the nationwide effort to restore civic education in the nation's schools.

The Civic Learning Initiative is a long-term effort of the CPLE, which will continue to raise awareness and work toward community partnerships, legislation and better resources for restoring civic learning in Washington schools and communities.

"To keep our democracy functioning, people must stop seeing themselves as spectators in the grandstands," said then-Justice Fairhurst, who was a member of the CPLE and a primary convener of the Initiative before becoming Chief Justice. "Let's take steps to make the democratic process more vibrant here in Washington state and work to make meaningful civics learning available to all young people."

ICIVICSWA FOR ALL STUDENTS

A key component of the Civic Learning Initiative is the launch of iCivicsWA, a free interactive web-based curriculum for Washington state educators, community partners and students. The platform includes video games that teach students about laws, elections, rights and court cases, as well as resources for teachers and community members. The online platform was funded through a \$100,000 grant from Google, making Washington only the second state in the nation to implement a state-specific iCivics site at no cost to schools and students.



COUNCIL ON PUBLIC LEGAL EDUCATION

What is the Council on Public Legal Education? The CPLE is a component of LawForWA.org, whose mission is to promote public understanding of the law and civic rights and responsibilities by supporting public legal education efforts. The CPLE launched the Civic Learning Initiative in 2017 to address gaps in civic learning and to encourage development of meaningful civic learning in schools and communities.





THE PROMISE OF A FAIR JURY

Symposium Examines Research and Reasons for Lack of Jury Diversity

Washington Supreme Court justices in May 2017 heard results of a year-long jury survey confirming that minority membership on juries rarely reflects the diversity of their Washington communities — something true of the rest of the nation as well.

At a symposium titled, “Jury Diversity in Washington: A Hollow Promise or Hopeful Future?,” justices also heard research that unrepresentative juries cause the public to perceive the judicial system as less than fair, and that juries without any racial or ethnic minorities return significantly different verdicts than do juries with just one minority member.

The symposium was hosted by the Court’s Minority and Justice Commission (MJC) and supported by Washington Appleseed and Prolumina. The presentations also explored how jury members are selected, the racial and ethnic makeup of jury pools, how the lack of diversity impacts justice, and solutions for state judicial branch leaders to consider.

One outcome of the research presented at the symposium — as well as a recent Washington Supreme Court opinion — was the creation of a workgroup to explore a possible court rule change involving the dismissal of jurors of color from a jury panel. (See sidebar, next page.)

“The problem of unrepresentative juries is real and it’s urgent,” said the keynote speaker, City University of New York School of Law Professor Nina Chernoff. “The right to a jury selected from a fair cross-section of the community is central to the reality and the perception of a fair system.”

The Washington data involved a cross section of 22 courts of different sizes located in different jurisdictions around the state. The survey collected data on a number of jury trials and the demographic makeup of juries over a year’s time. Charts then compared the demographic makeup of the communities to the demographic makeup of the juries.

Only in rare exceptions were racial and ethnic minorities represented on juries in similar numbers to their representation in their communities. The research report and data charts, as well as the TVW recording of the summit and other materials from the [symposium](#) are all available online.

Recommendations from speakers for improving the demographic makeup of jury panels included:

- Reforming the jury summons process to make sure the summonses are reaching an accurate cross-section of the community;
- Updating jury source lists more than once a year, for better accuracy of recipient addresses;
- Considering using a broader array of source lists, beyond voter lists and driver’s licenses/ID cards;
- Considering whether changes are needed in court rules regarding the dismissal of potential jury members.

“The symposium was an extraordinary opportunity to take the conversation about jury diversity one step deeper,” said Washington Supreme Court Justice Mary Yu, Co-chair of the MJC. “We learned more about who shows up, how a jury source list is compiled, and why it all matters.”



THE RIGHT TO A JURY SELECTED FROM A FAIR CROSS-SECTION OF THE COMMUNITY IS CENTRAL TO THE REALITY AND THE PERCEPTION OF A FAIR SYSTEM.

NINA CHERNOFF, PROFESSOR, CITY UNIVERSITY OF NEW YORK SCHOOL OF LAW

SIDEBAR

GR 37 Workgroup Explores Proposals for New Court Rules Against Unintentional Bias

In July 2017 the Washington Supreme Court convened a workgroup to explore multiple proposals for new court rules meant to protect Washington jury trials from intentional or unintentional bias in the empanelment of juries. The workgroup arose from requests made after a May 2017 jury diversity symposium at the Supreme Court revealed that Washington juries rarely reflect the diversity of their communities, and after the Court's 2013 decision in *State v. Saintcalle*.

In *Saintcalle*, which questioned whether the federal “Batson” tests for protection of jury diversity are sufficient, the Court wrote: “We also take this opportunity to examine whether our Batson procedures are robust enough to effectively combat racial discrimination in the selection of juries. We conclude that they are not. Twenty-six years after Batson, a growing body of evidence shows that racial discrimination remains rampant in jury selection. In part, this is because Batson recognizes only ‘purposeful discrimination,’ whereas racism is often unintentional, institutional, or unconscious. We conclude that our Batson procedures must change and that we must strengthen Batson to recognize these more prevalent forms of discrimination.”

The GR 37 Workgroup — named after General Court Rule 37, which establishes statewide rules for jury selection — was chaired by Yakima Superior Court Judge Blaine Gibson and Lewis County District Court Judge R.W. Buzzard and included representation from 14 organizations. The members met monthly to consider the many proposals for strengthening protections for jurors of color, whether the proposals could be integrated, and to provide further information on positions and concerns for the Court to consider in possibly taking action. The GR 37 Workgroup was expected to finish its work and present its recommendations to the Court in early 2018.



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JUSTICE MARY YU
Washington Supreme Court
Co-Chair, Minority and Justice Commission





GENDER AND JUSTICE COMMISSION

Renewed Study Will Look at Impacts of Gender in Washington's Justice System

More than 30 years ago, Washington state judicial leaders and lawmakers commissioned a unique study, a guide to the unknown terrain of whether gender was impacting the quality of justice delivered in Washington courts.

The 1989 results of that groundbreaking, two-year study found that gender played a significant and often detrimental role in several justice areas:

- Conduct of domestic violence and rape cases;
- Consequences of divorce cases;
- Courtroom treatment and perceived credibility of women litigants and legal professionals;
- Acceptance of women in legal and judicial communities;
- Many court personnel practices.

That was then.

The question looming before the Washington Supreme Court's Gender and Justice Commission is — what does

that terrain look like today?

How far did Washington's justice system travel in 30 years to correct the identified gaps in fair justice in areas impacted by gender? What remains of the old identified issues? After 30 years of massive societal changes, what contemporary justice areas might now be affected by gender?

Members of the Gender and Justice Commission don't want to wonder or guess, they want to know.

After more than two years of discussion, planning and interviews with experts, the Commission in July 2017 decided on the structure and scope of a renewed study on gender and justice.

The comprehensive new study will examine the justice areas identified in 1987–1989 to determine what progress has been made, and will explore contemporary justice

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THE FIRST STUDY WAS TREMENDOUSLY IMPORTANT, NOT JUST TO WASHINGTON, BUT TO THE COUNTRY. IT STARTS WITH THE IDEA THAT GENDER MIGHT MAKE A DIFFERENCE IN HOW JUSTICE IS BEING DELIVERED. SOMEONE HAD TO DECIDE TO ASK THAT QUESTION.

JUSTICE SHERYL GORDON MCCLLOUD
CHAIR, GENDER AND JUSTICE COMMISSION



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IT'S NOT FEASIBLE TO CONDUCT A STUDY EVERY YEAR OR EVEN EVERY 10 YEARS, BUT AFTER 30 YEARS IT IS IMPORTANT TO TAKE ANOTHER LOOK. WE'RE FACING NEW ISSUES AND SOME OF THE OLD ISSUES HAVE TAKEN A NEW FORM.

JUSTICE BARBARA MADSEN
FORMER CHAIR, GENDER AND JUSTICE COMMISSION
1998-2017



issues such as poverty, minority status, immigration status, workplace treatment and more, where gender plays a role. The new areas of focus were identified after a year of members interviewing legal advocates, judicial officers, legal professionals, academics and other experts across the state.

The study is expected to take about two years, as did the first study.

“It’s not feasible to conduct a study every year or even every 10 years, but after 30 years it is important to take another look,” said Justice Barbara Madsen, who served as Chair of the Gender and Justice Commission from 1998 to 2017, and who advocated for a renewed study. “We’re facing new issues and some of the old issues have taken a new form.”

The Commission has used the 1989 study results for decades to guide them on actions needed to ensure fairness, Justice Madsen said, but in recent years, new urgent issues involving gender appeared — the practice of shackling female prisoners during labor and delivery, response to domestic violence cases when one partner is a law enforcement officer, the use of new technology in such actions as spreading “revenge porn” to humiliate

an intimate partner, and more.

“We addressed these issues in an ad hoc fashion because we didn’t have a new study alerting us to emerging issues,” Justice Madsen said.

The Commission — which was established by the Supreme Court in 1994 from the 1987 Gender and Justice Task Force — adopted an ethic of valuing research and measuring results, Madsen said. It allows the Commission to focus on needed improvements with more certainty, and to share results with other groups and agencies who might play roles.

The first study “was tremendously important, not just to Washington, but to the country,” said Justice Sheryl Gordon McCloud, who took over as Chair of the Gender and Justice Commission in 2017. “It starts with the idea that gender might make a difference in how justice is being delivered. Someone had to decide to ask that question.”

And now 30 years later, Commission members are deciding to ask new questions as well as measure their progress in addressing gaps identified in 1987.

Said Justice Gordon McCloud, “We want to say, 30 years later, that we paid attention.”



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EVERY DAY ACROSS WASHINGTON STATE, TRIAL JUDGES MAKE DECISIONS REGARDING PRETRIAL RELEASE OR DETENTION THAT HAVE CONSEQUENCES FOR OUR COMMUNITIES AND FOR PEOPLE ACCUSED OF CRIMES. THE TASK FORCE WILL ASSESS THE QUALITY OF THE INFORMATION JUDGES HAVE TO MAKE THOSE DECISIONS.

JUDGE SEAN O'DONNELL
KING COUNTY SUPERIOR COURT
PRESIDENT, SUPERIOR COURT JUDGES' ASSOCIATION



DETENTION DECISIONS

Task Force to Explore Data and Tools That Will Help Judges Make Difficult Pretrial Determinations

In 2017, Washington's judicial branch launched the Pretrial Reform Task Force to gather data, examine court practices for pretrial detention, and identify tools to help judicial officers make pretrial determinations.

The move came amid growing national concerns about the number, and economic and social costs, of persons waiting in jail for trials primarily as a result of lacking the money to pay bail rather than being assessed a risk to the community.

In 2016, the Washington Supreme Court hosted a symposium presented by the Minority and Justice Commission titled "[Pretrial Justice: Reducing the Rate of Incarceration](#)." The symposium featured national experts who discussed pretrial justice challenges and possible solutions.

"Every day across Washington state, trial judges make decisions regarding pretrial release or detention that have consequences for our communities and for people accused of crimes," said King County Superior Court Judge Sean P. O'Donnell, president of the Superior Court Judges' Association (SCJA), who serves as Co-chair of the new task force.

"The task force will assess the quality of the information judges have to make those decisions," O'Donnell said. "It will also evaluate ways to minimize the impact of pretrial detention on low-risk offenders by exploring safe and cost-effective alternatives to full incarceration."

The task force was launched at the urging of the SCJA, the District and Municipal Court Judges' Association (DMCJA), and the Minority and Justice Commission. The task force has partnered with the Pretrial Justice Institute through its "3DaysCount" campaign, which is working with states across the nation to identify evidence-based improvements

in pretrial practices. Emerging research shows many persons detained for days, weeks, or months before trial are in detention because of their inability to post bail as opposed to their risk to the community or risk of flight.

The task force includes judges, prosecutors, public defenders, bail bond agents, court administrators, researchers, and more. The task force's work is expected to take about 18 months, and will be conducted by its three subcommittees and their workgroups:

- Pretrial Services Subcommittee — Exploring the pre-trial programs now in operation in Washington and the services they provide.
- Risk Assessment Subcommittee — Identifying best practices for assessing risk related to pretrial detention or release decisions by assessing current law, evaluating different risk assessment tools, and identifying the potential for racial disproportionality.
- Data Collection Subcommittee — Collecting data to better understand Washington's pretrial population and to assist the other subcommittees and workgroups in completing their work.

"Having access to empirical evidence can assist judges in the difficult task of making informed release decisions," said Spokane Municipal Court Judge Mary Logan, Co-chair of the joint Superior Court/District and Municipal Court Trial Court Sentencing and Supervision Committee. "It could curb over-incarceration pretrial if we are able to make better-informed decisions using a multitude of readily available tools such as risk assessments."

When its work is complete, the task force will release a comprehensive report explaining its findings and recommending best practices for pretrial policies and decisions.



BOARD FOR JUDICIAL ADMINISTRATION

Growing Need for Court Interpreters and Stable Funding Leads to New Task Forces

With Washington courts straining to meet growing needs for court interpreters, and with a lack of stable, statewide funding for critical court education and training needs, the Board for Judicial Administration (BJA) in 2017 launched two task forces to focus on finding solutions for these issues.

The BJA is the over-arching administrative body for the state judicial branch, charged by state Supreme Court rules with providing leadership and developing policy to enhance the administration of Washington's court system. Members represent over 400 elected and appointed judges at four court levels: the Supreme Court, the Court of Appeals, the superior courts, and the district and municipal courts.

In March 2017, the BJA voted to adopt adequate and sustainable funding for interpreter services as one of their strategic priorities for 2017-2019. A task force charter was approved and work began in July. The deliverables for the task force include:

1. Identifying and quantifying the current demand for and costs of interpreter services statewide using empirical information and sound research methods.
2. Analyzing state and local funding for interpreter services.
3. Identifying current efforts used to meet the demand for interpreter services and best practices that would optimize the use of resources to provide services.
4. Estimating the costs of providing interpreter services.
5. Developing a legislative strategy to establish funding.
6. Developing an outreach plan and materials to communicate the need for funding.
7. Providing a report to the BJA and the Interpreter Commission.

The task force is co-chaired by Washington Supreme Court Justice Steven González, Snohomish County Superior Court Judge Michael Downes and Puyallup Municipal Court Judge Andrea Beall. The goal of the task force is to submit a budget request to the Legislature for the 2019 biennium.

Also in March 2017, the BJA voted to adopt adequate and sustainable funding for court system education as a strategic priority. A task force charter was approved and work began in July. The deliverables for the task force include:

1. Reviewing past and present education and training funding.
2. Articulating the impact of declining resources on courts and the public.
3. Estimating the costs of providing education and training.
4. Developing a legislative strategy.
5. Developing an outreach plan to communicate the need for funding.

The task force is co-chaired by Benton and Franklin County Superior Court Judge Joseph Burrowes and Snohomish County District Court Judge Douglas Fair. It is also a goal of the task force to submit a budget request to the Legislature for the 2019 biennium.





Judicial Associations Keep Watch Over Key Court Issues and Emerging Concerns

Watching over the fair and efficient operation of Washington courts is ongoing, critical work, important enough that state lawmakers and judicial leaders decades ago mandated establishment of judicial associations dedicated to each trial court level.

All trial court judges belong to either the District and Municipal Court Judges' Association (DMCJA) or the Superior Court Judges' Association (SCJA). Their board members watch over the administration of their court levels, identify key issues or emerging concerns, advocate for legislation or other solutions, and conduct education and training.

The associations also compile reports for judicial leaders highlighting issues and efforts of the past year. Their reports for 2017 include:

District and Municipal Court Judges' Association

- In 2017, the DMCJA Board once again determined that funding permeates all other DMCJA goals and that adequate court funding is the Board's number one priority. The newly formed DMCJA Public Outreach Committee is providing resource materials to help judges educate local lawmakers on the financial needs of courts of limited jurisdiction (CLJ courts).
- The volume of cases and transactions in CLJ courts is overloading the current case management system, built in the 1980s. CLJ court staff members and judges worked with the Administrative Office of the Courts on a project to replace the old system with a new modern one. Continued funding of the modernization project is an imperative for CLJ courts.
- In 2017, the DMCJA supported GR 36, which established minimum security standards for trial courts. DMCJA leaders educated all judges, court staff and funding authorities of the rule's requirements.
- In 2017, the DMCJA sponsored two bills approved by the state Legislature, involving surrender of persons under surety bonds, and allowing youth courts to have jurisdiction over transit infractions.
- In May 2017, the DMCJA created the Judicial Independence Committee to address issues related to the imposition on judicial independence by local executive and legislative authorities.
- Leaders of the DMCJA and CLJ courts also participated in

efforts to address statewide relicensing, pretrial reform, legal financial obligations (court fines and fees), and other licensing issues.

"The judges, commissioners, and magistrates of the courts of limited jurisdiction continue to make a difference in the lives of those who appear in front of us," said DMCJA President Judge Scott Ahlf. "Our members have created Mental Health, DUI, Veteran, and Community Courts which are innovative and evidence-based approaches that shape productive citizens, thereby reducing recidivism and revitalizing communities."

Superior Court Judges' Association

- The SCJA performed a comprehensive survey of every superior court regarding their court security practices. The SCJA has shared the resulting report with legislators, county councils, and county executives. The report was also released to the media and has garnered attention across the state. The bottom line is that security at our courthouses must be strengthened to ensure justice and safety for all.
- The SCJA is reviewing the commitments of all superior court judicial officers regarding service on various committees, workgroups, task forces, etc. to ensure a good return on investment.
- The SCJA has co-led, with the DMCJA and the Minority and Justice Commission, a statewide task force on Pretrial Reform, looking at issues such as risk assessment, pretrial services, and data collection.
- In collaboration with stakeholders, the SCJA helped update the training curriculum for family law guardians ad litem. The SCJA is helping sponsor the March 2018 pilot of the curriculum in Thurston County.
- In collaboration with Administrative Office of the Courts, the SCJA now has a senior policy analyst to delve deeper into issues directly affecting the superior courts. A second policy analyst will be assigned to the SCJA in 2018.

"Throughout Washington's 39 counties, superior court judges and court commissioners continue to perform their constitutional duties in all manner of cases – whether family law, criminal, civil, or juvenile justice," said SCJA President Judge Sean P. O'Donnell. "In 2017 alone, more than a quarter million cases were filed in superior courts. The Superior Court Judges' Association works collaboratively with justice partners across the state to ensure our courts administer justice promptly, fairly, and competently."

PEOPLE IN THE NEWS



Washington State Court Administrator **CALLIE T. DIETZ** was named president of the Conference of State Court Administrators (COSCA), and vice-chair of the National Center for State Courts' Board of Directors, in August 2017. Both positions are one-year terms. COSCA is comprised of the chief executives of the court systems in each state, the District of Columbia, and the U.S. territories. The conference is committed to strengthening the judicial branch by improving the quality of state courts and increasing the public's trust and confidence in the justice system. Dietz has been Washington State Court Administrator since 2012. Before that, she served as Administrative Director of Courts for Alabama, the first woman to serve in that position.

MICHAEL E. JOHNSTON was appointed new Washington Supreme Court Commissioner by the justices of the Court, replacing retired Commissioner Narda Pierce. Johnston served as lead staff attorney in the Commissioner's office for 10 years and has served as a judge pro tem — a part-time, appointed judge — for the Thurston County District Court since 2012. The position of Supreme Court Commissioner was created in 1976 and serves as what can be termed a "gatekeeper" for the Court, reviewing and analyzing hundreds of petitions and motions that come to the Supreme Court each year. The office has a primary role in determining which cases meet the criteria to be reviewed by the full Court. Johnston will serve as only the fifth Supreme Court Commissioner in state history. He began his new position on August 16, 2017.



King County Superior Court Judge **CATHERINE D. SHAFFER** has been elected president of the American Judges Association (AJA) for the 2017–2018 term. The association was founded in 1959 to improve the administration of justice, to maintain the independence of the judiciary, and to provide a forum for continuing education and for the exchange of new ideas among judges. Currently, AJA has a membership exceeding 3,000 members.

Thurston County Family and Juvenile Court Administrator **MIKE FENTON** was named 2017 Court Manager of the Year by the Court Management Council (CMC). The award, established in 1987, honors an outstanding court manager for their exemplary contributions to the administration of justice in our courts. Fenton started his career with Thurston County Juvenile Court in 1983 as a Juvenile Probation Counselor and was named Thurston County Juvenile Court Administrator in 2011. Fenton's forward-thinking administration is well-respected and considered innovative and progressive. Among his many achievements, Fenton has worked hard to reform the use of detention for at-risk youth and has implemented many improvements to how probation violations are addressed. Fenton was nominated by Judge Christine Schaller along with all of the Thurston County Superior Court judges.





The Washington State Bar Association (WSBA) presented retired King County Superior Court Judge **RONALD KESSLER** with the 2017 APEX (Acknowledging Professional Excellence) Award for Outstanding Judge. This award is presented for outstanding service to the bench and for special contribution to the legal profession at any level of the court. Judge Kessler served on the bench for the people of Seattle and King County for more than 30 years. In 1985, he began his service with the Seattle Municipal Court before moving to the King County Superior Court. Over his career, he mentored many young attorneys and trained lawyers in trial skills and advocacy. His lectures on court rules and criminal law, as well as his Criminal Caselaw Notebook, have been invaluable resources for all new Washington judges.



The WSBA chose retired Spokane Superior Court Judge **GREGORY D. SYPOLT** for one of its 2017 Local Hero Awards in recognition of his longstanding, demonstrated commitment to diversity. The award is given to those who have made noteworthy contributions to their communities. Judge Sypolt was appointed to Spokane County Superior Court in 1997 and served for four terms. He is co-founder of the Diversity Section of the Spokane County Bar Association, and was a member of the Washington Supreme Court Minority and Justice Commission, serving as Co-chair of the Justice without Barriers Committee.

Retired King County Superior Court Judge **WILLIAM DOWNING** was chosen to receive the 2017 Flame of Democracy Award by the Washington Council on Public Legal Education (CPLE). The award was created to recognize significant contributions made to the public's understanding of the law, democracy and the legal system. It has been awarded periodically since CPLE's inception in 2002. Judge Downing presided over Washington's statewide YMCA High School Mock Trial Program for numerous years, overseeing the program and writing the cases that were used in competitions throughout the state by students who learned extensively about the court system. He also served for many years on the state's Bench Bar Press Committee, established to improve communications between media and the judicial branch, as well as the Washington Pattern Instructions Committee, established to make jury instructions as clear and accurate as possible. Downing retired from the bench at the end of 2016.



The Washington State Association for Justice (WSAJ) named King County Superior Court Judge **ANDREA DARVAS** as its 2017 Judge of the Year. The award is presented to a judge who, through the exercise of outstanding judicial ruling or leadership, promotes the civil justice system to serve the people. The Association is the oldest and largest civil justice advocacy organization in the Pacific Northwest, working to protect the legal rights of wronged consumers, injured citizens, patients and workers.



Nevins Award Presented to Minority and Justice Commission

The Washington State Minority and Justice Commission received the 2017 William Nevins Award from the Washington Judges Foundation for its years of work educating youth and adults across the state on the role of the judicial branch, the need for diversity in the legal profession, and details on legal careers.

The Commission was nominated for the award by King County Superior Court Judge LeRoy McCullough for its years of hosting Youth and Justice Forums for middle and high school students in the Tri-Cities, where the 14th such forum was held in 2017 involving hundreds of students. The forums have now been expanded to Yakima and Spokane. The forums bring together students and justice professionals — judges, attorneys, police

officers, probation officers, forensic experts and more — for day-long discussions and demonstrations aimed at demystifying the justice system, explaining rights and responsibilities, and encouraging young people to think about legal professions.

“The Forum gives us an important opportunity to let young people know how important they are,” said Washington Supreme Court Justice Mary Yu, Co-chair of the Minority and Justice Commission, prior to the 2016 forum in Yakima. “In answering their questions about the criminal justice system and providing insight into our work, we will, hopefully, restore confidence in what we do and inspire them to join our profession someday. We want them to dream big.”

New Legal Position Gaining in Numbers Across Washington

Practitioners of Washington state’s unique new legal position, Limited License Legal Technician (LLLT), can now be found in 11 counties around the state, with five community colleges — Edmonds, Highline, Spokane, Tacoma and Whatcom — now offering the LLLT Core Curriculum. Meanwhile, the American Bar Association Journal has called LLLTs “the way of the future” and reports that other states are considering adopting it.

The Washington Supreme Court approved the new legal position in 2012 after years of statewide discussions and development of the parameters of a legal technician role. State judicial leaders began looking for alternatives to higher-cost attorney aid as the number of persons trying to represent themselves in court grew significantly during the economic downturn,

and concerns about access to the justice system increased. The position is modeled after paraprofessional positions in other fields, such as nurse practitioners, where a licensed practitioner can operate independently of an attorney’s office and provide legal assistance for less-complex needs such as consultation, filling out and filing necessary court forms, navigating the court process, and more.

The licensing requirements for the position were finalized in 2015. Currently, LLLTs operate only in family law, but other practice areas are being considered for adoption. The position is overseen — testing, licensing, practitioner directory, complaints, rule changes, etc. — by the Washington State Bar Association and the LLLT Board.



Federal Grant Awarded to Address LFO Reform

The U.S. Department of Justice in late 2016 granted Washington state one of only five three-year “Price of Justice” grants. The grant is awarded to government entities committed to reforming policies and practices around court fines and fees, also called “legal financial obligations” (LFOs). The Minority and Justice Commission in concert with many interested parties such as judges’ associations, county clerks, prosecuting attorneys, defense attorneys, legal aid providers and the American Civil Liberties Union applied for the grant.

During the first year of the grant, an LFO Consortium was established with over 50 members. Chaired by Justice Mary Yu, the consortium has been collecting data for a comprehensive report looking at statewide LFO policies and practices. They have also partnered with Microsoft to develop an LFO Calculator, a tool to assist judges when making individualized assessments of a defendants’ ability to pay. During the second year of the grant, the consortium will compile the data and develop recommendations for policy and practice reforms. The LFO Calculator, tested by a limited number of judges in a beta version, will be refined toward a final product that will be available to all judges by the end of 2019.

National Adoption Day Event Celebrates 169 Adoptions in Washington

169 foster children were adopted into new families during the statewide 2017 National Adoption Day celebration in Washington courts and communities in late November. 20 counties were involved in Washington’s 13th statewide National Adoption Day, with adoptions and events open to the public. In the 13 years of the celebration, more than 1,600 foster children have been adopted into new families during these public events. National Adoption Day was launched nationally to raise awareness of the many thousands of foster children waiting to be adopted into new families, using public celebrations and media coverage to get the word out. More than 1,700 foster children are legally free to be adopted into new families.

“Families form a bedrock of nurturing and support from which children thrive into adulthood,” said King County Superior Court Judge Dean Lum, Chair of the Washington State National Adoption Day Steering Committee. “Families are critical to healthy futures and healthy communities.”



State and Tribal Court Judges Meet to Expand Communications

The Tribal State Court Consortium (TSCC) brings together tribal and state court judges to expand communication on cross jurisdictional issues affecting state and tribal courts. Chaired by Judge Lori K. Smith from King County Superior Court and Judge Cindy Smith from Suquamish Tribal Court, the TSCC is a jointly sponsored effort by the Washington State Supreme Court Gender and Justice and Minority and Justice Commissions. In 2017, the TSCC held its fourth regional meeting in Nespelem, WA, hosted by the Colville and Kalispel Tribes. It was the first time ever that the TSCC met in Eastern Washington. Tribal judicial officers from the Colville, Yakama,

Kalispel, Lummi, Swinomish and Suquamish Tribes and state judicial officers from the Supreme Court, Okanogan, Spokane, Adams, and King Counties, were present. The group heard from keynote speaker Judge B.J. Jones, Director for the Tribal Judicial Institute, who talked about the value of tribal state court consortiums.

In September 2017, the TSCC had its fifth annual meeting at the Fall Judicial Conference, in Vancouver, where participants discussed how tribal and state courts in Washington are implementing restorative justice practices.



23 Counties Now Using Odyssey After 2017 Implementations

In the fifth and sixth phases of a statewide modernization of case management systems for superior courts and county clerk offices, 14 counties implemented the new Odyssey system in 2017 — Cowlitz, Grays Harbor, Klickitat, Mason, Pacific, Skamania, Wahkiakum, Clallam, Island, Jefferson, Kitsap, San Juan, Skagit and Whatcom Counties.

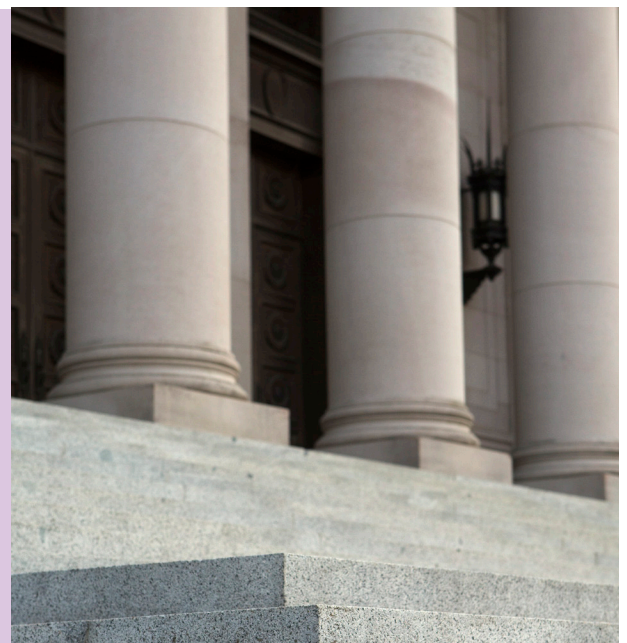
With the 2017 implementations, 23 counties are now using the Odyssey system with 14 remaining. The final county implementations scheduled for 2018 include Okanogan, Ferry, Stevens, Pend Oreille, Chelan, Douglas, Kittitas, Grant, Lincoln, Adams, Benton and Walla Walla in June, and Spokane and Clark in November.

Two counties, King and Pierce, are not involved in the rollout, choosing instead to conduct their own implementations of case-management systems.

The Odyssey system provides modern information-sharing abilities between courts across the state, as well as vital case management functions not available on the 1970s case processing system used by Washington superior courts and county clerk offices for the past 40 years. Though members of the public may experience minor changes in their interactions with courts and clerk offices, the primary difference for Washingtonians will be behind the scenes in better communication between courts from different counties, more efficient case management and monitoring, much improved scheduling, better access to data, and more.

New Court Document Management System Implemented for Supreme Court and Court of Appeals

In 2017, an enterprise appellate court document management system was implemented for the Supreme Court and the three divisions of the Court of Appeals. This initial implementation makes it possible for the courts to store their case documents electronically, share documents with each other, and transfer cases from one court to another. The system also automates some business workflows such as filing review and the distribution of motions and other documents. It also provides some data integration with the current appellate court case management system known as ACORDS. In addition, the appellate court electronic filing system was updated to send documents directly to the document management system.



Courts of Limited Jurisdiction Move Toward Acquiring Modernized Case Management System in 2018

Washington's district and municipal courts, called "courts of limited jurisdiction" (CLJ), process 18 million transactions a month — approximately 87 percent of the state's court caseload. The aging CLJ case processing system currently in use was built in the 1980s and does not meet the needs of the courts, which are in dire need of a modern system.

Taking significant steps toward acquiring a modern case management system, representatives of Washington district and municipal courts and probation offices in 2017 agreed on the essential requirements of such a system, released a nationwide Request For Proposal asking technology companies to submit proposals, and evaluated the submissions. In 2018, the Judicial Information System Committee, Project Steering Committee and the Administrative Office of the Courts (AOC) will continue to evaluate the best approach for moving forward to meet the needs of the CLJ courts.



Outdated Driver's Licensing System to Be Replaced by DRIVES in 2018

The Department of Licensing (DOL) is replacing its driver's licensing system with a modern application called DRIVES. Washington courts rely on DOL's system for detailed information on individuals licensed to drive in the state, as well as their driving history. AOC is modifying several of its key systems to provide uninterrupted access to this information once DOL switches to their new system in Fall 2018.

Expedited Data Exchange Program Keeps State Court Data Available System-Wide

Changes are coming to the state Judicial Information System (JIS). King County District Court (KCDC) and the King County Clerk's Office (KCCO) are implementing their own case management systems in 2018 and when the implementations are complete, they will no longer use the JIS systems. As a result, JIS will no longer have complete statewide data. As a solution, King County court case and person data will be uploaded to the new Enterprise Data Repository (EDR) database that will contain statewide court case data.

The AOC, KCDC, and KCCO are working to integrate person and case data from their systems into the EDR so that all statewide data is stored in the EDR. Since the EDR will contain the statewide person and case data, it will become the primary source for statewide views of all person and case data. This project is known as the Expedited Data Exchange (EDE) Program. AOC, KCCO, and KCDC have been working together for more than two years to make this as seamless as possible.



New Directory Presents Diverse Judicial Officers in Washington State

A directory of diverse judicial officers in Washington state has been created by the Washington Supreme Court Minority and Justice Commission as a support tool for continuing development of a diverse workforce in state courts and judicial branch agencies.

The directory is titled, “[Bridging the Gavel Gap: A Directory of Judges and Commissioners of Color in the State of Washington, 2017](#).” It includes federal and tribal judges as well as state judicial officers, and is broken down by county and by agencies in which administrative law judges serve.

As announced by co-chairs of the Commission, Supreme Court Justice Charles Johnson and Justice Mary Yu: “Studies have shown that persons of color are underrepresented in the Washington state judiciary. A recently released ‘Gavel Gap Report’ by the American Constitution Society for Law and Policy found that women of color in Washington comprise 15 percent of the general population, but only 4 percent of state court judges. Similarly, men of color comprise 16 percent of the general population, but only 6 percent of state court judges.”

“The purpose of this directory is to identify and showcase our current judges and commissioners of color, helping them and those aspiring to become judicial officers build or sustain professional networks and supportive communities. This directory will also provide a resource for organizations to find speakers and presenters for various events and programs.”



Two New Studies Shed Light on Juvenile Justice

Two new studies gathering important juvenile justice data were released by the Washington Center for Court Research (WCCCR) in 2017. The studies, both of which are the first in an ongoing series, provide important information for youth workers and policy makers at the local and state levels.

One report, “Girls on Probation: Challenges and Outcomes,” examines the specific characteristics of girls in Washington’s probation system in an effort to help guide the policies and programs needed to supervise and help the population. “Our findings show that the girls coming to probation in Washington have strikingly different needs than boys. These needs intersect and correlate with one another resulting in multi-layered behavioral and health issues affecting the lives of girls,” the report says. “This report is going to be the first in a series exploring the myriad of complex needs of girls in the juvenile justice system and examining whether the system is adequately responding to them.”

The second report, “Washington State Juvenile Detention Annual Report,” is the first report in a new annual series required by state legislation passed in 2016. Legislators required the annual report to explore the location of juvenile detention centers, the number of admissions, the prevalence of detention among Washington youth, the demographics of those detained, the number of detentions for non-offender matters (such as truancy), and the length of typical detentions. “This first annual statewide detention report is an important step toward a greater understanding of the role of detention in Washington state’s juvenile justice system,” according to the report summary. “The most immediate goal is to ensure that every admission of a Washington state youth to a secure detention facility is counted.”





Newly Updated Bench Books and Guides Available for Judicial Officers

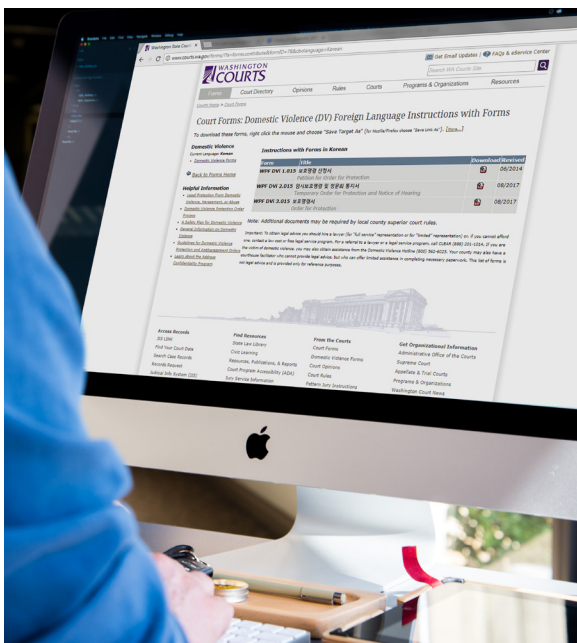
Judicial benchbooks, bench guides and manuals are informational tools for judicial officers developed by committees of judicial branch members and subject matter experts. These guides compile such information as current laws, sentencing guidelines, court fine worksheets, historical information and more regarding specialty areas such as domestic violence, public health, civil law, family law, etc. Benchbooks developed or updated for 2017 include:

- Judges' Bench Guide on the LGBTQ Community and the Law
- Domestic Violence Manual for Judges
- Driving Under the Influence (DUI) Benchbook
- Criminal Caselaw Notebook
- Juvenile Non-offender Benchbook
- Public Health Emergency Bench Book
- Special Immigrant Juvenile Status Bench Book and Resource Guide

Model Language Access Plan Offers Framework for Language Services

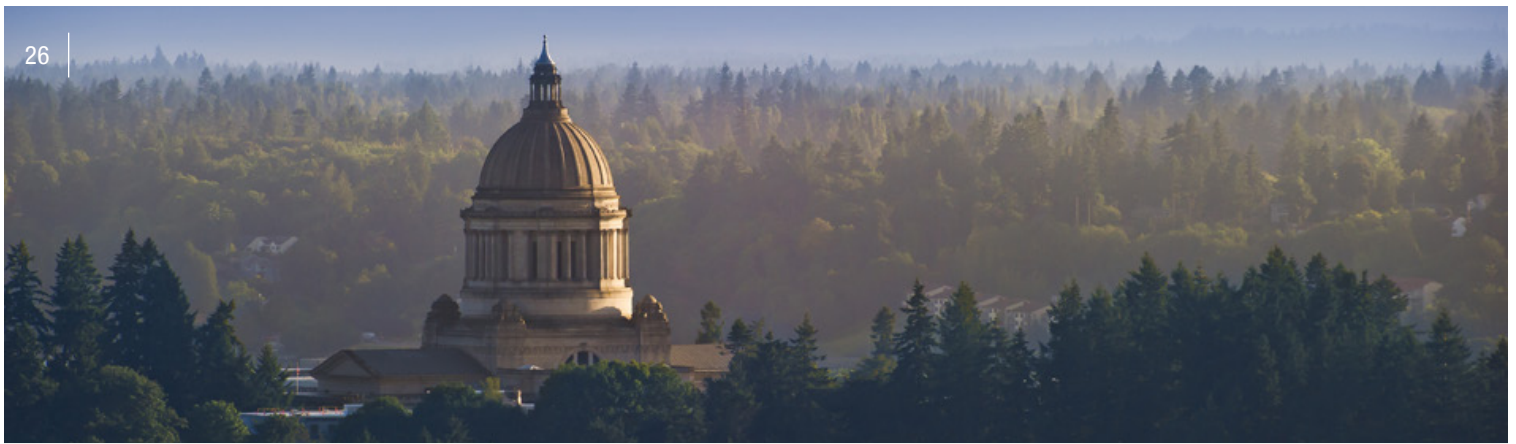
The Washington State Interpreter Commission in 2017 released a new Model Language Access Plan that offers courts a framework for providing language services to the increasingly diverse population of court users in Washington. The updated document — a substantial revision of a 2008 model plan — now comes with a more expansive explanation of the underlying Constitutional, federal and state statutory provisions, and tips from courts throughout the state on practices that can help guide development of a local court's own language access plan.

The model plan, "Deskbook on Language Access in Washington Courts: Providing Access to Courts for Limited English Proficient, Deaf, Hard-of-Hearing, and Deaf-Blind Individuals," is the culmination of two years of work involving the Interpreter Commission, the state Interpreter Program within the Administrative Office of the Courts, court staff members and justice partners. This new model is designed to provide guidance for creating individual or joint-court operational plans for the provision of language access services in court operations and services to the public.



Court Forms, Instructions for Protection Orders Translated into Four New Languages

Court forms and instructions for requesting judicial officers to grant protection orders in domestic violence and sexual assault cases have been translated into four new languages by the Washington Supreme Court Gender and Justice Commission and the Administrative Office of the Courts. The forms and instructions are now available in Spanish, Russian, Korean and Vietnamese. Protection order court forms are often filed in court by individuals without the aid of attorneys — persons acting "pro se" — and Commission members "hope that these translated forms will help provide greater access to the courts," according to its announcement. Washington court forms can be found at www.courts.wa.gov/forms.



Judicial Branch Agencies, Boards, Commissions, Committees, Associations and Offices Work Behind the Scenes to Help Deliver Fair and Equitable Justice

Washington state's third independent branch of government, the judicial branch, is charged with interpreting laws and administering the system of courts and judicial entities that oversee and deliver justice in Washington. Judges and judicial officers are non-partisan and all full-time judges are elected.

The judicial branch is led by the Supreme Court and includes district and municipal courts, superior courts, Court of Appeals, and the Supreme Court. However, the branch consists of more than courts. Its agencies, boards, commissions, associations and offices do the work of administering the judicial system, watching over emerging issues and problems, making recommendations to the Supreme Court on needed changes, and proposing legislation to improve the operations of the courts and the delivery of fair and equitable justice.

To learn more about each of these components of Washington's judicial branch, visit each web page to find their missions, major committees and components, to read annual reports, and more:

WEB RESOURCES



[Washington Supreme Court](#)

[Washington Court of Appeals and trial courts](#)

[Superior Court Judges' Association \(SCJA\)](#)

[District and Municipal Court Judges' Association \(DMCJA\)](#)

[Board for Judicial Administration \(BJA\)](#)

[Supreme Court Commission on Gender and Justice](#)

[Supreme Court Commission on Minority and Justice](#)

[Supreme Court Interpreter Commission](#)

[Supreme Court Commission on Children in Foster Care](#)

[Administrative Office of the Courts](#)

[Office of Public Defense \(OPD\)](#)

[Office of Civil Legal Aid \(OCLA\)](#)

Therapeutic Courts Increase Steadily in Washington

The number of therapeutic courts in Washington continues to increase steadily. More than 80 of these problem-solving courts have been established in 28 counties across the state, with drug courts being the most common type.

Therapeutic courts represent an alternative justice model in which a collaborative court team works with offenders who choose treatment and accountability over traditional judgment and sentencing. The courts work to address underlying social and health problems — such as addiction, mental health disorders, past traumas, family dysfunction — that contribute significantly to offending behaviors. Research shows that

addressing underlying issues reduces recidivism and long-term justice costs as well as helps individuals and families.

Therapeutic courts are established by individual Washington courts in partnership with prosecutors, defense attorneys, local and state behavioral health and social service workers. The different types available include adult drug courts, juvenile drug courts, family treatment courts, DUI courts, domestic violence courts, mental health courts and veteran treatment courts. To learn more about Washington therapeutic courts, or to locate programs in your county, visit the statewide [Therapeutic Courts Directory](#).

2016 CASELOAD STATISTICS

Statistics on the caseloads of the courts of Washington are compiled from the Judicial Information System to provide a detailed overview of the case work of the courts. This page contains one chart from each court level in the state. Dozens of charts are available on the numbers of case filings, types of cases, proceedings and outcomes from the most recent year calculated, as well as hundreds of archived charts for past years' case activities online at www.courts.wa.gov/caseload. Visitors to this page can also sign up to be notified when the most recent reports are available.

Courts of Limited Jurisdiction CASES FILED

	FILED
Traffic Infractions	715,216
Non-Traffic Infractions	31,988
DUI/Physical Control Misdemeanors	24,425
Other Traffic Misdemeanors	73,018
Non-Traffic Misdemeanors	98,281
Felony Complaints	5,750
Civil	105,785
Civil Harassment Protection	7,216
Domestic Violence Protection	1,886
Sexual Assault Protection	93
Stalking Protection	398
Small Claims	13,500
Parking (includes photo-enforced)	987,262
Total	2,064,818



EMAIL NOTIFICATIONS

Sign up to receive email notifications when monthly and/or yearly caseload reports are available online.

Superior Courts CASES FILED BY TYPE OF CASE

	FILED	RESOLVED	COMPLETED
Criminal	43,339	39,199	39,670
Civil	102,127	99,353	99,791
Domestic	38,454	36,625	36,919
Probate/Guardianship	23,020	21,378	17,449
Adoption/Parentage	6,303	5,881	5,919
Mental Illness/Alcohol	11,723	11,085	10,628
Juvenile Dependency	19,585	19,608	18,847
Juvenile Offender	9,874	9,968	9,939
Total	254,425	243,097	239,162

Court of Appeals COURT ACTIVITY

	DIVISION I	DIVISION II	DIVISION III
Filings	1,599	1,307	871
Resolutions	1,437	1,295	698
Pending at Year End	1,414	1,148	994
Mandated	1,738	1,401	867

Supreme Court COURT ACTIVITY BY SOURCE OF REVIEW

	TRIAL COURTS	COURT OF APPEALS	ORIGINAL ACTIONS	WSBA	CERTIFIED ISSUES	TOTAL
Filings	117	1,057	105	118	3	1,400
Resolutions	124	1,135	28	113	5	1,405
Pending at Year End	55	521	9	27	3	615
Mandated	125	1,149	107	112	7	1,500



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To read the State of the Judiciary online, visit www.courts.wa.gov/newsinfo.